

REMARKS

Claims 1-24 are pending prior to entering this amendment. The examiner rejected claims 1-2, 4 and 9-21 under 35 U.S.C. 103(a) over Boyd (U.S. Patent 6,166,831) in view of Scott (U.S. Patent No. 6,928,195 B2) and Ogasawara (U.S. Patent No. 4,409,625). Claim 3 was rejected under 35 U.S.C. § 103(a) over Boyd in view of Scott, Ogasawara, and Teeter (U.S. Patent No. 4,451,030). Claims 5-6, 8 and 22-24 were rejected under 35 U.S.C. § 103(a) over Boyd in view of Scott, Ogasawara, and Shimizu (U.S. Patent No. 5,777,308). Claim 7 was rejected under 35 U.S.C. § 103(a) over Boyd in view of Scott, Ogasawara, Shimizu, and Teeter. Applicant amends claims 1-2, 5, 9-11, 13, 15, 17, 19, and 23. Claims 1-24 remain after entering this amendment. Applicant adds no new matter and requests reconsideration.

Claim Rejections 35 U.S.C. § 103

Claims 1-2, 4 and 9-21 were rejected under 35 U.S.C. § 103(a) over Boyd, Scott, and Ogasawara. Claims 3, 5-8, and 22-24 were rejected under 35 U.S.C. § 103(a) over Boyd, Scott, Ogasawara, variously with Teeter and Shimizu. Applicant respectfully traverses these rejections.

The Applicant notes that under MPEP §2143, a proper *prima facie* obviousness rejection must disclose one or more references that teach every claim element or would be obviously modified by one skilled in the art to teach every claim element. If two or more references are combined, MPEP §2143 further requires that there be some suggestion in the references or from the prior art as a whole that would motivate one skilled in the art to combine the references, as well as a reasonable expectation of success. This is further supported by the recent *KSR* decision, whereby the Supreme Court acknowledged the importance of identifying “a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does” in an obviousness determination. *KSR*, 127 S. Ct. 1727 at 1731 (2007). Additionally, if one of the references ‘teaches away’ from the combination of references (i.e., teaches away from the missing claim element) it is strong evidence of nonobviousness. The Applicant also points out that claim elements must be read together as a whole rather than in a vacuum. That is, each element must be read in consideration of the other elements in the claim.

Claim 1 recites *concurrently scanning multiple document portions during the exposure time with the multiple rows of sensors, wherein each of said multiple document portions are not adjacent to any other of said multiple document portions, wherein each row of sensors is spaced apart from each other row of sensors, and wherein the multiple*

document portions are spaced apart according to spacing between the multiple rows of sensors.

Applicant and the Examiner appear to be in substantial agreement that Boyd and Seott do not teach or suggest “concurrently scanning multiple document portions during the exposure time with the multiple rows of sensors,” where “each row of sensors is spaced apart from each other row of sensors.” See, Final Office Action, 10/16/2007, page 4. The Examiner alleges Ogasawara’s elements $9_1 - 9_5$ in a sensor 9 disclose the recited rows of sensors, and argues the slight spacing between the elements $9_1 - 9_5$ discloses the recited claim feature of “each row of sensors is spaced apart from each other row of sensors.”

Applicant amends claim 1 to clarify that “the multiple document portions are spaced apart according to spacing between the multiple rows of sensors.” The Examiner alleges Ogasawara’s lines $L_1 - L_5$ of an original document 2 disclose the recited document portions. The lines $L_1 - L_5$ of an original document 2, however, do not have any spacing between them. See, e.g., Ogasawara, FIG. 3 and FIG. 4 and corresponding portions of the specification, where Ogasawara’s lines $L_1 - L_5$ of the original document 2 are contiguous to each other, not “spaced apart according to spacing between the multiple rows of sensors” as the claim recites. Nothing in Scott or Boyd cure this deficiency, as neither reference teaches or suggests spacing apart the recited “multiple rows of sensors,” much less spacing apart multiple document portions “according to spacing between the multiple rows of sensors” as the claims recite. See, Final Office Action, 10/16/2007, page 4, where the Examiner concedes that both Scott and Boyd do not disclose the recited multiple rows of sensors where “each row of sensors is spaced apart from each other row of sensors.”

Therefore, the Applicant respectfully submits that the Examiner has not established a proper *prima facie* case of obviousness and hence has not shown claim 1 to be unpatentable over Boyd in view of Scott and Ogasawara. As such, the Applicant submits that claim 1 is in proper form for allowance and requests that the rejection under § 103(a) be removed.

Claims 2-4 depend from claim 1. Based at least in part on their dependency, the Applicant submits that claims 2-4 are likewise in proper form for allowance.

Claims 5, 9, 11, 13, 15, 17, 19, and 22 include elements generally similar to the elements of claim 1. Hence, based at least in part on the discussion above, the Applicant submits that proper *prima facie* cases of obviousness have not been established to show these claims are unpatentable over Boyd in view of at least Scott and Ogasawara. As such, the

Applicant submits that claims 5, 9, 11, 13, 15, 17, 19, and 22 are in proper form for allowance and requests that the rejections under § 103(a) be removed.

Claim 11 recites *each of the first and second rows of sensors includes a plurality of sensors to detect three primary colors*. The Examiner alleges Boyd's first row of pixels 30 and second row of pixels 32 in a linear array 18 disclose the recited first row of sensors and second row of sensors, respectively. The first and second rows of pixels 30 and 32, however, do not include "a plurality of sensors to detect three primary colors" as the claim recites. See, Boyd, col. 4, lines 17-26, where Boyd discloses, in color system, each linear array 18 scans for a different color--a red linear array 18d, a green linear array 18e, and a blue linear array 18f. Thus, according to Boyd, the first and second rows of pixels 30 and 32, for example in linear array 18d, only scan for the color red. The first and second rows of pixels 30 and 32 in linear array 18d therefore do not include "a plurality of sensors to detect three primary colors" as the claim recites. As such, the Applicant submits that in addition to the reasons discussed with regard to claim 1, claim 11 is allowable over Boyd, Scott, and Ogasawara.


CONCLUSION

For the foregoing reasons, reconsideration and allowance of claims 1-24 of the application as amended is requested. The Examiner is encouraged to telephone the undersigned at (503) 224-2170 if it appears that an interview would be helpful in advancing the case.

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Respectfully submitted,

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